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★ JUL 05 2012 ★

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

UNITED STATES OF AMERICA,

PLAINTIFF,

THE VULCAN SOCIETY INC., for itself and
on behalf of its members, JAMEL
NICHOLSON, and RUSEBELL WILSON,
individually and on behalf of a subclass of
all other victims similarly situated seeking
classwide injunctive relief;

ROGER GREGG, MARCUS HAYWOOD, and
KEVIN WALKER, individually and on behalf
of a subclass of all other non-hire victims
similarly situated; and

CANDIDO NUÑEZ and KEVIN SIMPKINS,
individually and on behalf of a subclass of
all other delayed-hire victims similarly
situated,

PLAINTIFFS-INTERVENORS

v.

CITY OF NEW YORK, ET AL.,

DEFENDANTS.

CIV. ACTION No. 07-CV-2067 (NGG)(RLM)

ORDER

This Order governs the distribution of information about this lawsuit, in the form of a notice, an objection form with instructions, and any applicable cover letter (the "Notice Documents"), to individuals who might be affected by the individual relief that will, or may be, awarded to individuals harmed by the City of New York's (the "City") discriminatory conduct. The Notice Documents, which the Court approved on June 22, 2012 (Dkt. 907), shall, among

other things, inform individuals of the date of the fairness hearing related to the individual relief that will be granted to victims of discrimination in this case ("Fairness Hearing").

Upon entry of an order establishing a date for the Fairness Hearing, the parties shall prepare and distribute the Notice Documents as set forth herein.

1. The City shall mail the Notice Documents via first class U.S. mail to: (1) each black and Hispanic applicant who took Written Exam 7029 and/or Written Exam 2043; (2) each applicant who took Written Exam 2000 and/or Written Exam 2500 but who has not provided the City with an electronic mail ("e-mail") address; (3) the Uniformed Firefighters Association and the Uniformed Fire Officers Association; and (4) the United Women Firefighters. In addition, the City shall distribute the Notice Documents via e-mail to each applicant who took Written Exam 2000 and/or Written Exam 2500 and has provided the City an e-mail address. Finally, the City shall distribute the Notice Documents to all current uniformed fire service employees of the FDNY via the FDNY's "all unit circular" system, which the FDNY regularly uses to communicate with its employees.

2. By July 11, 2012, the United States shall provide the City with updated mailing addresses for approximately 5,000 black and Hispanic individuals who took Written Exam 7029 and/or Written Exam 2043.¹ By July 18, 2012, the United States shall provide the City with updated mailing addresses for the remaining black and Hispanic individuals who took Written Exam 7029 and/or Written Exam 2043.

¹ The United States estimates that, by July 11, it will be able to provide the City with updated addresses for approximately 5,000 of the approximately 7,100 black and Hispanic individuals who took Written Exam 7029 and/or 2043.

3. The City shall distribute the Notice Documents as described above in Paragraph 1 no later than July 25, 2012.²

4. The City shall keep all Notice Documents, including mailing envelopes and e-mails, that are returned as undeliverable until all appeals in this lawsuit are exhausted. No later than September 10, 2012, the City shall provide to the other parties a list identifying individuals whose notice documents were returned as undeliverable by name and social security number. By September 10, the City shall also provide to the United States a photocopy of each returned mail envelope.

5. In order for an objection to the Relief Order to be considered by the Court, an individual must submit a completed objection form to the United States by August 24, 2012. Any individual who does not timely submit an objection form, absent a showing of good cause, shall be deemed to have waived any right to object to the Relief Order. The submission date of each objection form shall be the date on which the completed objection form was mailed to the United States, as determined by the postmark. If the postmark is illegible, the date of submission shall be deemed to be fourteen (14) days prior to the date of receipt of the objection form by the United States.

6. No later than August 13, 2012 and on a rolling basis every fourteen (14) days thereafter, the United States shall provide to the City and Subclass counsel copies of all objection forms received by the United States.

7. All objections received, as well as each party's responses to such objections, shall be filed with the Court no later than September 24, 2012.

² The City estimates that it requires a minimum of ten (10) business day to complete the notice distribution process.

8. All deadlines in this order shall be determined in accordance with the Federal Rules of Civil Procedure.

SO ORDERED this 5th day of July, 2012, in Brooklyn, New York.

s/Nicholas G. Garaufis

HON. NICHOLAS G. GARAUFIS
UNITED STATES DISTRICT JUDGE